



**JUSTICE CABINET
DEPARTMENT OF
JUVENILE JUSTICE
POLICY AND PROCEDURES**

REFERENCES:
505 KAR 1:140
3-JTS-5D-02; 5G-01-05
3-JCRF-5F-01
1-JBC-5G-01-08
1-JCF-5E-03, 07; 5F-01-05;
5F-08
2-CO-5E-01, 02
4-JCF-5F-01-08

CHAPTER: Program Services

AUTHORITY: KRS 15A.0652

SUBJECT: Religious Programs

POLICY NUMBER: DJJ 345

TOTAL PAGES: 5

EFFECTIVE DATE: 1/04/2016

APPROVAL: Bob D. Hayter

, COMMISSIONER

I. POLICY

The Department of Juvenile Justice (DJJ) shall ensure that youth in custody have the right to hold individual religious beliefs and engage in the religious practices of that faith. DJJ reserves the right to restrict religious actions, rituals, material, or publications that pose a risk of harm to staff or other youth and that interfere with the orderly operational management of a facility.

II. APPLICABILITY

This policy shall apply to each group home and youth development center (YDC).

III. DEFINITION

Refer to Chapter 300.

IV. PROCEDURES

- A. Each DJJ facility shall ensure that the opportunity for religious belief and practice is afforded to youth without fear of discrimination, penalty, coercion, harassment, ridicule, or intimidation.
- B. DJJ shall designate an Agency Religious Program Coordinator who will assist in the coordination of religious protocol, practices, and processes for the Department. The responsibilities of the Agency Religious Program Coordinator shall be as follows:
 1. Establish the processes and procedures for the religious program;
 2. Establish a process for youth to identify religious preference and religious accommodation needs upon entering a DJJ facility;

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3. Establish a process for youth to change religious preference or accommodations;
 4. Monitor facilities and programs to verify that youth are not subjected to discrimination, coercion, harassment, or ridicule due to religious affiliations in DJJ facilities;
 5. Verify that facility staff are trained regarding DJJ policy regarding youth and religious preferences;
 6. Educate each religious leader, visiting a DJJ facility, regarding DJJ religious policy and guidelines;
 7. Maintain a database tracking all religious accommodation requests;
 8. Maintain all religious accommodation documentation;
 9. Designate a staff person to act on his or her behalf in the absence of the religious coordinator; and
 10. Establish conditions and circumstances under which clergy privileged communications exists and circumstances under which it does not exist.
- C. Each DJJ residential facility shall designate a qualified staff as the Facility Religious Coordinator. The Facility Religious Coordinator shall plan, direct, and coordinate all aspects of religious programming within the facility as follows:
1. Collaborating with program administrators and staff to plan, direct, and coordinate all aspects of the religious program;
 2. Developing and maintaining close relationships with religious resources in the community;
 3. Providing religious materials and publications to each facility so that youth are able to access this information;
 4. Reviewing initial religious declaration forms;
 5. Reviewing and processing accommodation requests, by conducting the initial assessment of all accommodation requests submitted by youth, then forwarding to the Agency Religious Program Coordinator for final approval; and
 6. Educating facility staff regarding this policy.
- D. DJJ staff shall allow a youth to designate any or no religious orientation as a preference and indicate any religious accommodations needed upon intake to a facility or any time while a youth resides at the facility.
1. Religious declaration documentation and a request for accommodations shall be in writing, signed, and dated by the youth and DJJ staff receiving the accommodation request.

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2. DJJ staff shall forward religious declaration documentation and each request for an accommodation to the Facility Religious Coordinator.
 3. The religious accommodation request review process is as follows:
 - a. The signed accommodation request shall be reviewed by the Facility Religious Coordinator and the facility Superintendent;
 - b. The Superintendent or the Facility Religious Coordinator shall forward the accommodation request documentation to the Agency Religious Program Coordinator and copy the Regional Director and the Facilities Regional Administrator (FRA);
 - c. The Agency Religious Program Coordinator or designee shall:
 - i. Review the religious accommodation request;
 - ii. Consult with the Office of Legal Services regarding the accommodation request and make the determination of whether to accept or deny the religious accommodation request; and
 - iii. Notify the Superintendent and Facility Religious Coordinator of the accommodation request determination within three (3) business days.
 - d. The religious accommodation request determination shall be forwarded to the youth no later than seven (7) business days from the date that it was signed by the youth.
 4. A youth may request a religious dietary accommodation. The Facility Religious Coordinator will forward the request to the Agency Religious Program Coordinator for review and determination. The Agency Religious Program Coordinator will forward the determination to the Regional Director, FRA, Superintendent, and the Facility Religious Coordinator. The determination regarding the dietary request shall be forwarded to the youth no later than seven (7) business days from the date that it was signed by the youth.
 5. A youth shall have the right to appeal an accommodation request that is denied by the Agency Religious Program Coordinator. The Facility Religious Coordinator or facility Superintendent shall submit the appeal request to the Commissioner for review and disposition and send a copy to the Agency Religious Program Coordinator. The appeal shall be submitted to the Commissioner not later than five (5) days after the receipt of the denial.
- E. A youth shall have the following religious rights and responsibilities:
1. A youth shall submit a request to change religious designation in writing. If accommodations are requested for this new religious designation, the accommodation process shall be followed;

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2. Once a change of religious designation request has been approved or denied, a youth shall wait ninety (90) days, from the determination date, before he can to submit a request for another change of religious belief;
 3. A youth shall be permitted to possess items essential to the practice of the particular religious faith, provided such items do not pose a risk of harm to staff or other youth, interfere with the orderly operational management of a facility, or interfere with the treatment goals of the youth;
 4. A youth shall have access to approved religious publications;
 5. Each religious item and material shall be subject to review before entering the facility;
 6. A religious item shall be approved through the accommodation process.
 - a. When an item has been approved, the counselor shall consult the family to discuss payment for the item;
 - b. If money is available in the youth's account, the youth may pay for the item; and
 - c. The Agency Religious Program Coordinator shall consult community religious resources regarding each request for religious items for indigent youth.
 7. Each youth shall be provided the opportunity to satisfy the minimum dietary requirements deemed essential by the religion.
- F. Visitation from a personal minister, pastor, or religious counselor, for a youth, shall be permitted at scheduled times and other times as approved by the Superintendent or designee;
1. If a youth requests assistance in obtaining a religious leader, the Agency Religious Program Coordinator or the Facility Religious Coordinator shall provide assistance to the youth in finding a religious leader; and
 2. A youth may decline a visit with personal minister, pastor, or religious counselor.
- G. The Facility Religious Coordinator shall coordinate each religious program with the facility schedule. The youth shall be notified of such programming. DJJ staff shall document youth participation in the programming.
1. Youth participation in a religious service and counseling shall be voluntary;

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2. DJJ staff shall supervise all religious programs and supervision will be provided in a manner that reflects awareness of and sensitivity to individual religious beliefs;
 3. Adequate space and equipment shall be available for religious services among faiths authorized to meet;
 4. Youth shall be permitted to attend a religious service in the community, if applicable to the program and youth classification;
 5. Youth shall be permitted to observe special ceremonies;
 6. DJJ will take into consideration work restrictions related to religious observance practices;
 7. Youth shall not be penalized for not participating in religious activities; and
 8. DJJ staff shall not conduct religious programming or activities while supervising youth.
- H. DJJ staff shall not harass or ridicule a youth because of a religious designation.
- I. DJJ shall not coerce or try to sway a youth toward a religious designation.
- J. A volunteer minister, pastor, or religious counselor, approved by the Facility Religious Coordinator, shall have access to each area of the facility identified for religious programming. Clergy shall be allowed to have confidential communications with youth pursuant to clergy privilege. DJJ staff shall not serve as a volunteer minister, pastor, or religious counselor in the facility where they work.
- K. Any volunteer minister, pastor, or religious counselor, approved by the Facility Religious Coordinator, shall comply with the DJJ policy regarding the confidentiality of youth information.
- L. The Agency Religious Program Coordinator, Facility Religious Coordinator, and Superintendent or designee shall approve the donations of religious equipment or material.

V. MONITORING MECHANISM

Monitoring shall be the responsibility of the Superintendent, the Agency Religious Program Coordinator, the Facility Religious Coordinator, and the Quality Assurance (QA) Branch.